

**PLANNING BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 18, 2007**

MEMBERS PRESENT: Paula Caron, Chair
John DiPasquale
Mike DiPietro
Mike Hurley
Paul Fontaine, Jr.
Nancy Maynard

MEMBERS ABSENT: Elizabeth Slattery

PLANNING OFFICE: Mike O'Hara

Call to Order

Meeting called to order at 6:01 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

The Board was informed that an Order adopting MGL ch. 39, sec. 23D was approved by City Council last week & is in effect. The provision provides relief from the "Mullin Rule" -- a member that missed a meeting can still vote after listening to a tape of meeting.

Board informed of minor modification to site plan for Universal Machine, 323 Princeton Rd. Proposed modifications: regarding, substitute for two "Stormceptor" units (\$10K ea.) ConCom has approved revisions.

Water Park @ Royal Plaza Hotel -- City Council hearing on Special Permit scheduled for 10-2-07. Council is Special Permit Granting Authority for "Commercial Recreation".

Ms. Caron suggested asking special permit to include annual donation of passes to Water Park for use by Fitchburg recreation dept., boys & girls club, library.

Mr. Fontaine: Council could take into account infrastructure improvements in the project area -- small cost relative to size of project. (Perhaps some needed improvements at the water filtration plants?)

Board will review when Site Plan Review, scheduled for 10-16-07 Planning Board.

Board agreed to send recommendation to City Council about donation of passes.

Meeting Minutes

Motion made & seconded to approve minutes of the August 21st meeting as corrected by Ms. Caron.
Vote unanimous to approve.

ANR plans

The Board reviewed and endorsed the following "ANR" plan:

American Legion Post 429, Daniels St. & Beech St.

Resubdivision of two parcels -- Lot 1 is the Legion building at 200 Daniels Street & Lot 2 which will be the site of a recently approved 16-unit condo development.

MINOR SITE PLAN REVIEW

none

OTHER BUSINESS

Aho, 26 Willow St. mill conversion - update

In Dec. 2006 the Board granted two-year extension to complete the project & asked for status report in Sept. '07. Atty. Watts represented and submitted a letter dated 9-18-07 detailing progress at site.

Asbestos & lead paint have been removed, new roof installed, etc. Aho has had discussion with FSC who may be interested in the building for student housing. There is no commitment from FSC at this time. The Board advised Atty. Watts that he may need a modification of the mill conversion Special Permit if the 36 rental units as approved were to be converted into student housing. The Board also reminded the applicant that architectural renderings must still be submitted for review and approval by the Board.

Edgewater Development, Willard St. - bond reduction

Atty. Watts seeking reduction in amount held (\$47,712) for the completion of Willard St. Only two lots left to be built on. Remaining work: Final course of pavement, finalize as-built plans & road legal descriptions. \$20K of the total amount is held for as-builts & legal descriptions.

Atty. Watts: asked to reduce bond amount (held in cash) in half.
He said the street is in limbo because his client doesn't own all off Willard St.-- just one side. They may need to petition the City Council to take the other half of the street by eminent domain, if his client can obtain proper abutter signature and documentation for release of damages. This process may take awhile.

DPW-Engineering not comfortable with releasing amount below \$47K.
Mr. Fontaine, Ms. Maynard are OK with releasing half of amount.

Motion made (Mr. Fontaine) & seconded (Ms. Maynard) to reduce amount by one-half, to \$23,856.
Vote 5-1 in favor (Mr. Hurley opposed).

PUBLIC HEARINGS

Special Permit - 106 East St., three-family (new application)

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: *Approved.*

Atty. Watts gave background & history of proposal -- first a 4-family was proposed, then 3-family. Special Permit was denied by the Board 2+ years ago. Then ZBA approved Special Permit to modify non-conforming structure, keeping one wall & reconstructing 3-family.

Current proposal is to raze structure & build new 3-family centered on the lot. At the June meeting Planning Board agreed to support this concept.

Watts: If Board grants this special permit, his client has the ability to immediately demolish entire building. He has been in touch w/ Fire Dept. They are ready to use building as training ground before it is torn down.

Mr. DiPietro: If Board denies special permit, is applicant prepared to go forward with plan approved by ZBA?

Ans: yes

Public Comment:

Frances Cutting, 107 East St. (across the street). Her main concern is to get the building down. Modifying the existing building is ludicrous. Centered on lot is better. Lot is unkempt & an eyesore for the neighborhood. Tear it down & get rid of drug activity.

Mike O'Hara mentioned that Mr. Gillis, the abutter to right of 106 East St. stopped in planning office that day to see plan. He could not make tonight's meeting. He had no objection to the current proposal centered on the lot but wanted it to make sure that the minimum 15 foot setbacks also applied to any additions, porches or decks as well.

Ms. Caron read conditions of the ZBA's special permit. Board wanted to keep the conditions that are still applicable.

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Approve Special Permit, subject to:

- Conform with site plan and the architectural renderings submitted.
- Min. 15 foot building setback on both sides, including additions, porches or decks.
- Timeline for demo -- demo of entire building completed & site restored to grade by 1-15-08.
- Eliminate dumpster on side & instead add two parking spaces for a total of 8.
- Retain tree line on left (southern) West side of site, to the extent possible.
- To clarify, the rights conferred by special permit are considered to "commence" upon the issuance of a building permit for new 3-family, not with the demolition of the existing structure.
- Submit condo master deed for Planning Board review & approval.
- Other standard condominium type special permit conditions.

Vote 6-0 to Approve special permit.

OTHER BUSINESS

Request for Extension of Special Permit- Lifestyle Builders, "Westminster Hill Village"

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: extension granted to 12-19-07

Mark Biller present. He wanted to clarify -- vote of Board on 6-19-07 to grant a 90-day extension expired 10-17-07, not in September.

He requested two year extension.

Board reviewed letter from John Bizotto, Water Systems Manager dated 9-17 correcting several statements in Mr. Biller's request for extension. Estimates it should take no longer than 60 days to reach agreement.

Public Comment:

Resident at 42 St. Jude (new owner): Has the special permit changed? Will there still be a water tank?
Ans. Yes.

Q: is it possible that the project turns into low-income housing?

Biller: has no intention of doing that. The development is to remain as senior (over-55) housing.

John Handler, 1296 Westminster Hill Rd.: Request was for two years. What would happen when it expires? He reminded the Board that w/special permit the Board can attach whatever conditions they want. Don't let applicant cry poor & get off the hook.

Mr. Fontaine: an extension of special permit is common, especially in this market.

Lewis Lunn: There was never a condition that there must be a water tank. It was subject to working out an agreement. They almost had an agreement. They went through four water commissioners, etc.

Brian Roth, 1099 Westminster Hill Rd.: residents keep coming back to meetings on this. He's concerned that developer is playing a game -- pushing it out so that people lose interest & stop coming to meetings.

Public: the Board can also deny the extension.

Mr. Handler to Lewis Lunn: If special permit lapses, do they have any other plans for the property?

Ans.: they will do what they have to do. May sell it.

Eric Leger, 54 St. Jude: New owner, didn't get meeting notice. Has Q about water system improvements.

Mr. DiPasquale: main issue in that area of Westminster Hill Rd. is water.

Mr. Hurley suggested an extension of 60 days & to ask the Water Dept. to attend future meeting.

Chris Murray, 1218 Westminster Hill Rd: has been around from the beginning on this project. He's uncomfortable with trusting city officials who may OK water systems improvements, but without a water tower.

Councillor Kaddy: can you add conditions at this point?

Ms. Caron: yes.

Mr. Leger: is there possibility of future extensions?

Ans.: yes.

Motion made (Mr. Hurley) & seconded (Ms. Maynard) to grant a 60-day extension to 12-19-07.

Discussion: What if they reach agreement with Water Dept. in the meantime -- can they start work? Yes.

Even if there is an agreement soon with Water Dept., Mark Biller agreed to be present at November 20 2007 Planning Board meeting to present final plans for water system improvements to the public.

Vote: 6-0 in favor of extension.

City Council Petitions

To Accept Victoria Lane as public way

Motion made & seconded to recommend in favor. Vote 5-0 in favor.

To take part of Sawyer Passway & accept as public way.

Is needed to make the area eligible for a state grant. Motion made & seconded to recommend in favor.

Vote 5-0 in favor.

To adopt Community Preservation Act

Letter of support for petition had been submitted to Board by Mr. Laakso.

Ms. Caron stated that Planning Office checked with the City Clerk's office and that the referral to the Planning Board was in error.

Board agreed to send response to council saying that they have no comment on the petition.

Mr. Hurley left meeting

Secino Special Permit conditions - review

Stockade fencing has been installed, but not dumpster screening. Board agreed to send letter reminding applicant of requirement for screening of dumpsters and request when landscaping and remaining paving (berms/entranceways) in front parking area would be done.

Subdivision rules & regulations

Board agreed to have a couple members go over list of possible things to change in Subdivision Regs & report back to the Board.

Meeting adjourned 8:30 p.m.

Next meeting: October 16, 2007

approved: 10-16-07

